

1 Lorraine P. Ocheltree (SBN 151791)
 Allegra A. Jones (SBN 236518)
 2 **DUANE MORRIS LLP**
 One Market, Spear Tower, Suite 2200
 3 San Francisco, CA 94105-1127
 Telephone: 415.957.3000
 4 Facsimile: 415.957.3001
 E-Mail: lpocheltree@duanemorris.com
 5 aajones@duanemorris.com

6 Eric P. Berezin
 (Admitted Pro Hac Vice)
 7 **DUANE MORRIS LLP**
 Atlantic Center Plaza
 8 1180 West Peachtree Street NW, Suite 700
 Atlanta, GA 30309-3448
 9 Telephone: 404.253.6900
 Facsimile: 404.253.6901
 10 E-mail: epberezin@duanemorris.com

11 Attorneys for Defendant
 GEVITY HR, INC.

12 Harry G. Lewis (SBN 157705)
 13 Gordon W. Renneisen (SBN 129794)
 Julie A. Marquis (SBN 178466)
 14 **CORNERSTONE LAW GROUP**
 595 Market Street, Suite 2360
 15 San Francisco, CA 94105
 Telephone: (415) 974-1900
 16 Facsimile: (415) 974-6433

17 Attorneys for Plaintiff MARSHALL FIELD
 and all other similarly situated persons

18
 19 IN THE UNITED STATES DISTRICT COURT
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 21

22 MARSHALL FIELD, individually and on behalf of
 all other similarly situated persons,

23 Plaintiffs,

24 v.

25 AMERICAN MORTGAGE EXPRESS CORP., a
 26 Pennsylvania Corporation and GEVITY HR, INC., a
 Florida Corporation,

27 Defendants.
 28

Case No.: C 09-05972 MHP

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
 DEPOSITIONS AND MOTION FOR
 SUMMARY JUDGMENT SCHEDULE**

1 Plaintiff Marshall Field ("Field"), by and through his undersigned counsel, and Defendant
2 Gevity HR, Inc. ("Gevity"), by and through its undersigned counsel, hereby enter into the following
3 Joint Stipulation:

4 WHEREAS this Court issued an Order dated October 18, 2010, requiring the parties to
5 complete the depositions of Plaintiff and Marla Barr in October 2010, to file any motions for
6 summary judgment by January 10, 2010, any oppositions to such motions by January 24, 2011, any
7 reply to such oppositions by January 31, 2011, and scheduling a hearing on such motions for
8 February 15, 2011;

9 WHEREAS the depositions of Plaintiff and Ms. Barr did not go forward as scheduled due to
10 unforeseen health problems suffered by Mr. Field's counsel, which rendered him unavailable
11 through November 30, 2010 and for which he served a Notice of Unavailability of Counsel;

12 WHEREAS, the parties have agreed to reschedule the depositions to the earliest dates on
13 which counsel and the parties are available;

14 NOW, THEREFORE, Field and Gevity hereby stipulate and agree as follows:

15 1. The deposition of Marshall Field shall take place on February 3, 2011;
16 2. The deposition of Marla Barr shall take place on February 22, 2011;
17 3. In light of the dates of the depositions, which are relevant to the motions for summary
18 judgment, Field and Gevity agree to continue the deadlines to file and serve and hold a hearing on
19 the motions for summary judgment, if the Court is in agreement, to the following:

- 20 (a) The deadline to file any motion for summary judgment is continued to March
21 31, 2011;
- 22 (b) The deadline to file any opposition to any motion for summary judgment is
23 continued to April 21, 2011; and
- 24 (c) The deadline to file any reply to any opposition to any motion for summary
25 judgment is April 28, 2011.
- 26
27
28

1 (d) The hearing on the motions will be continued to a date following the filing
2 deadline agreeable to the Court.

3
4 Dated: December 21, 2010

DUANE MORRIS LLP

5 By: /s/ Lorraine O. Ocheltree
6 Lorraine P. Ocheltree
7 Eric P. Berezin
8 Allegra Jones
9 Attorneys for Defendant
10 GEVITY HR, INC.

11
12 Dated: December 21, 2010

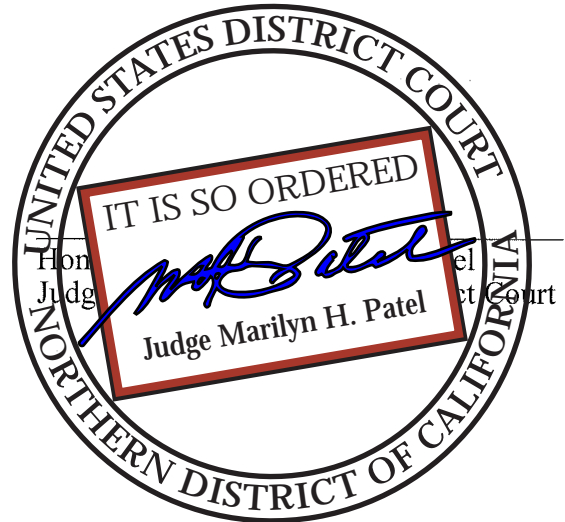
CORNERSTONE LAW GROUP

13
14 By: /s/ Harry G. Lewis
15 Harry G. Lewis
16 Attorneys for Plaintiff
17 MARSHALL FIELD

18
19 **ORDER**

20 IT IS SO ORDERED.

21
22 Dated: January 3, 2011
23 _____, ~~2010~~



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

GENERAL ORDER 45 CERTIFICATION

I, Lorraine P. Ocheltree, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: December 21, 2010

DUANE MORRIS LLP

By: /s/ Lorraine P. Ocheltree
Allegra A. Jones
Attorneys for Defendant
GEVITY HR, INC.

LORRAINE P. OCHELTREE
DIRECT DIAL: 415.957.3234
PERSONAL FAX: +1 415 651 8534
E-MAIL: lpocheltree@duanemorris.com

www.duanemorris.com

NEW YORK
LONDON
SINGAPORE
LOS ANGELES
CHICAGO
HOUSTON
HANOI
PHILADELPHIA
SAN DIEGO
SAN FRANCISCO
BALTIMORE
BOSTON
WASHINGTON, DC
LAS VEGAS
ATLANTA
MIAMI
PITTSBURGH
NEWARK
BOCA RATON
WILMINGTON
CHERRY HILL
PRINCETON
LAKE TAHOE
HO CHI MINH CITY

December 21, 2010

VIA E-FILING

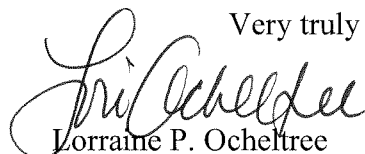
Honorable Marilyn H. Patel
United States District Court
Northern District of California
450 Golden Gate Avenue
Courtroom 15, 18th Floor
San Francisco, CA 94102

Re: *Marshal Field v. American Mortgage Express, et al.*
Case No. C-0905972 MHP
Stipulation and (Proposed) Order Regarding Deposition
and Motion for Summary Judgment Schedule

Dear Judge Patel:

Following the last Case Management Conference in the above matter, the Court issued an order requiring the parties to complete the depositions of the Plaintiff and Gevity HR's representative Marla Barr and setting forth a motion for summary judgment filing and hearing schedule. Plaintiff's counsel was unable to take the depositions as scheduled due to a medical leave of absence. The parties were able to coordinate a new deposition schedule, which extends beyond the Court deadline. In light of the deposition schedule, the parties need relief from the Court's order and an extension of the filing/hearing schedule. Enclosed is the parties' stipulation and a proposed order for the Court's consideration. We appreciate the Court's consideration of this matter.

Very truly yours,


Lorraine P. Ocheltree


Harry Lewis

LPO:cwc
Enclosure